REMARKS

This is in full and timely response to the Office Action mailed April 1, 2003. By this Amendment, claims 1 and 3 were amended to recite that the acrylic resin (A) has a glass transition temperature, Tg, within the range of 40 to 90°C. Support for this amendment can be found variously throughout the specification, for example, at page 5, lines 5-7. Claim 2 was amended to change "obtainable" to "obtained." No new matter was added. Claims 1-3 are pending in this application, with claims 1 and 3 being independent. By this Amendment, Applicants believe that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §112

Claim 2 is rejected under 35 U.S.C. 112, second paragraph for indefiniteness. The essence of this rejection relates to use of the word "obtainable." By this Amendment Applicants have amended claim 2 to change the term "obtainable" to "obtained" as suggested by the examiner. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,574,102 to Tanigami et al. Applicants respectfully traverse this rejection.

Claim 1 recites a coating composition for undercoat comprising: (A) an acrylic resin having a hydroxyl value of 30 to 85, a glass transition temperature (Tg) within the range of 40 to 90°C and a weight average molecular weight of 1000 to 30000, (B) a pigment, (C) resin fine particles, (D) a polyisocyanate compound, and (E) a curing catalyst; wherein: a ratio of isocyanate group in the (D) component to 1 equivalent of hydroxyl group in the (A) component is 2.0 to 4.0 equivalents; content of the (B) component is from 100 to 500 parts by weight relative to 100 parts by weight of resin solid matter; and the (C) component is mixed so as to be from 0.1 to 5% by weight as a solid matter relative to the weight of the (B) component.

Claim 3 recites a coating method for repair comprising steps of: conducting surface treatment at a part to be repaired; providing undercoat; and providing topcoat; wherein a coating composition for the undercoat comprises: (A) an acrylic resin having a hydroxyl value of 30 to 85, a glass transition temperature (Tg) within the range of 40 to 90°C and a weight average molecular weight of 1000 to 30000, (B) a pigment, (C) resin fine particles, (D) a polyisocyanate compound, and (E) a curing catalyst; wherein: a ratio of isocyanate group in the (D) component to 1 equivalent of hydroxyl group in the (A) component is 2.0 to 4.0 equivalents; content of the (B) component is from 100 to 500 parts by weight relative to 100 parts by weight of the resin solid matter; and the (C) component is mixed so as to be from 0.1 to 5% by weight as a solid matter relative to the weight of the (B) component.

Tanigami et al. '102 discloses an impact-resistant coating composition having as a main component a blocked polyisocyanate compound bonded to a polycaprolactone and ahydroxyl group-containing resin. The Office Action at page 3, lines 4-6 alleges that in Tanigami et al. '102 the "ratio of isocyanate groups in the polyisocyanate to the hydroxyl groups in the acrylic resin is, for instance, 3:1." However, this clearly contradicts Tanigami et al. '102, who clearly states that "the molar ration of isocyanate groups (-NCO) in component (A) to hydroxyl groups (-OH) in component (B) (i.e., -NCO/-OH ratio) is preferably (40-60)/(60-40)...." See column 11, lines 38-44. That is, isocyanate groups to 1 hydroxyl group equivalent is 0.67 – 1.5 equivalent. In contrast, in order for the isocyanate groups to 1 hydroxyl group equivalent to be 2.0 to 4.0 equivalent, the polyisocyanate compound is mixed with the acrylic resin.

Still further, the Office Action alleges that in Tanigami et al. '102, the weight average molecular weight of the hydroxyl group containing resin overlaps that of the present invention. However, Tanigami et al. '102 uses a soft resin to obtain an impact-resistant characteristic in view of impact absorption. This soft resin has a glass transition temperature, Tg, of -50°C to 0°C. See, for example, column 7, lines 48-53. When such a low Tg resin is used, a primary surface that can be sanded and has good drying characteristics cannot be obtained.

In contrast, the claims 1 and 3 utilize a resin (A) having a glass transition temperature (Tg) within the range of 40 to 90°C, resulting in a coating composition having a reduced drying time and a reduced sanding time (how long it takes before the coating composition is sufficiently dry in order to sand).

A document can only anticipate a claim if the document discloses, explicitly or implicitly, each and every feature recited in the claim. Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since Tanigami et al. '102 fail to disclose, either explicitly or implicitly, teach or suggest at least the above-noted elements recited in independent claims 1 and 3, Tanigami et al. '102 cannot anticipate the claims. At least in view of the foregoing, claims 1 and 3 are allowable, and the rejection should be reconsidered and withdrawn.

Additionally, claim 2, being dependent upon allowable claim 1, is also allowable for the reasons above. Moreover, this claim is further distinguished by the additional features recited therein, particularly within the claim combination.

Accordingly, withdrawal of the §102 rejection is respectfully requested.

Conclusion

For the foregoing reasons, claims 1-3 are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of these amendments and remarks is courteously solicited. If the examiner has any comments or suggestions that would place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number below.

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Respectfully submitted,

By _____

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